

The applicants also provisionally elect, with traverse, the alleged generic claims 1, 2, 6-8, 11-20, 33-40, 43-53, 66-72, 76-80 and 83-89. Please note that claim 2 was included by the examiner as defining an optical sensor in the first subgroup, but it is believed that this should have been claim 3, since claim 3 recites, "wherein at least one of the sensors is a fiber optical sensor."

The requirement for election of species is traversed on the basis that it is improperly made. 37 CFR §1.141 states that a reasonable number of species may be claimed in one application. In the present application, only a reasonable number of species have been claimed.

As set forth in MPEP §806.04(e), *Species are always the specifically different embodiments and are usually independent as disclosed since there is usually no disclosure of relationship therebetween.* In the present requirement for election of species, the examiner has made arbitrary divisions of the features of the invention, and has required the applicants to select only a particular combination of features which allegedly will define an embodiment for examination.

This is clearly not how the embodiments are defined in the specification, this is not in compliance with the procedure set forth in the MPEP, and the requirement for election of species is therefore clearly improper.

Respectfully submitted,

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on OCTOBER 1, 2004
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